

OCT 12 2006

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To:	FROM:
Examiner Tara L. Mayo Art Unit 3671	Jon O. Nelson
COMPANY: U.S. Patent Office	DATE: October 12, 2006
FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES: 7
RE: Serial No. 10/728,405 Filed: February 12, 2004	OUR REFERENCE NO.: 04017.00066

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COMMENTS:

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CENTRAL FAX CENTER****OCT 12 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
Attorney Docket No. 04017.00066

In the Application of:

Nathaniel S. Fox

Serial No. 10/728,405

Filed: **February 12, 2004**For: **Apparatus and Method for Building
Support Piers From One or Successive
Lifts Formed In a Soil Matrix**

Examiner: Tara Mayo

Art Unit: 3671

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA, 22313-1450

Dear Examiner Mayo:

Thank you for the scheduled interview on Monday, October 16, 2006 at 1:30 p.m.
I shall attend along with the inventor, Dr. Fox.

Attached hereto are proposed amended claims. Note that Claim 60 is the single remaining independent claim. Claims 62-75 and 86-88 depend directly or indirectly therefrom. The remaining claims are cancelled or withdrawn without prejudice.

The objections raised pursuant to 35 U.S.C. Section 112 regarding claims 72-75 are traversed in view of the amendments proposed without prejudice as to scope.

The rejections raised pursuant to 35 U.S.C. Section 103 are also traversed. Most particularly, the Visconti reference (U.S. Patent No. 5,152,639) is distinguished for at least the following reasons:

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1. Visconti is directed to a cylindrical tube with a first outside diameter coupled with a second cylindrical tube having a second greater outside diameter and a closing mechanism; namely, a plate recessed within the second tube.

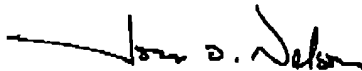
2. Visconti (neither alone or in combination) discloses or suggests a bulbous head element, as claimed, with a discharge open at the bottom end and a cap that covers the opening. The cap is not recessed and is at least partially removable. The bulbous head element is configured to provide both axial and transaxial stress components to the matrix soil and to discharged aggregate because of its leading end shape. Because of the claimed configuration various advantages result including:

- a) less friction of forces from soil on the lesser diameter tube;
- b) lesser weight of the combined tube and head element;
- c) larger sized or diameter multi-lift piers than the size or diameter of the bulbous head are produced by the device;
- d) the device enables forming separate and multiple thin lifts of aggregate to form a pier; and
- e) the device facilitates removal from penetration into the soil.

These benefits cannot be accomplished by a Visconti type device. Applicant will review in detail the distinctive structural features and their benefits.

Respectfully submitted,

BANNER & WITCOFF, LTD.



Date: October 12, 2006

By: _____

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